



Reprinted
February 2, 1999

SENATE BILL No. 108

DIGEST OF SB 108 (Updated February 1, 1999 2:40 pm - DI 101)

Citations Affected: IC 3-6; IC 3-13.

Synopsis: Political party officers. Specifies that a political party office is not an office under Article 15 of the Constitution of the State of Indiana. Provides that an appointed precinct committeeman or vice committeeman may participate in a caucus to fill an early candidate vacancy if the committeeman or vice committeeman was a committeeman or vice committeeman 30 days before the vacancy occurred. Provides that voting by proxy may not be used in a caucus to fill a vacancy in a legislative office. Provides that vice committeemen may participate in a caucus to fill a vacancy in a legislative office. Provides that an appointed precinct committeeman or vice committeeman may participate in a caucus to fill a vacancy in a
(Continued next page)

Effective: Upon passage.

Lawson C, Alexa

January 6, 1999, read first time and referred to Committee on Elections.
January 26, 1999, amended, reported favorably — Do Pass.
February 1, 1999, read second time, amended, ordered engrossed.

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legislative office if the precinct committeeman or vice committeeman was a precinct committeeman or vice committeeman 30 days before the vacancy occurred. Provides that each precinct committeeman and vice committeeman has one vote in a caucus to fill a vacancy in a legislative office. Provides that vice committeemen may participate in caucuses to fill vacancies in certain local offices. Provides that an appointed precinct committeeman or a vice committeeman may participate in a caucus to fill a vacancy in a local office if the precinct committeeman or vice committeeman was a precinct committeeman or vice committeeman 30 days before the vacancy occurred.

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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 108

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-6-1-15 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 3 UPON PASSAGE] : **Sec. 15. Notwithstanding any other statute, an**
- 4 **individual serving in any of the following political party offices is**
- 5 **not considered to be holding an office for purposes of Article 15 of**
- 6 **the Constitution of the State of Indiana:**
- 7 (1) **Precinct committeeman.**
- 8 (2) **Vice committeeman.**
- 9 (3) **State convention delegate.**
- 10 (4) **Chair or other officer of a central committee.**
- 11 (5) **Any other political party office (as defined in IC 3-5-2-17).**
- 12 SECTION 2. IC 3-13-1-10 IS AMENDED TO READ AS
- 13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) To be
- 14 eligible to participate in a meeting called under section 7 of this
- 15 chapter, a precinct committeeman or vice committeeman must **satisfy**

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both of the following:

(1) ~~Be~~ **The individual** is entitled to vote for the office for which a candidate is to be selected. ~~and~~

(2) If ~~the individual was~~ an appointed precinct committeeman or vice committeeman, ~~have been the individual was a~~ committeeman or vice committeeman ~~continuously for a period beginning~~ thirty (30) days before the vacancy occurred.

(b) Subsection (a)(2) does not prohibit an appointed vice committeeman from participating in a meeting if:

(1) the meeting to fill a vacancy is held within thirty-five (35) days after a primary election at which precinct committeemen are elected; and

(2) the precinct committeeman representing the precinct of the appointed vice committeeman was elected precinct committeeman at the preceding primary election.

SECTION 3. IC 3-13-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A vacancy in a legislative office shall be filled by a caucus comprised of the precinct committeemen **and vice committeemen** from the senate or house district where the vacancy exists who represent the same political party that elected or selected the person who held the vacated seat.

(b) Not later than thirty (30) days after the vacancy occurs (or as provided in subsection (c)), the caucus shall meet and select a person to fill the vacancy by a majority vote of those casting a vote for a candidate. ~~including vice committeemen eligible under proxies filed under section 5 of this chapter.~~

(c) A state chairman may give notice of a caucus before the time specified under subsection (b) if a vacancy will exist because the official has:

(1) submitted a written resignation under IC 5-8-3.5 that has not yet taken effect; or

(2) been elected to another office.

(d) Notwithstanding IC 5-8-4, a person may not withdraw the person's resignation after the resignation has been accepted by the person authorized to accept the resignation less than seventy-two (72) hours before the announced starting time of the caucus under this chapter.

(e) The person selected must reside in the district where the vacancy occurred.

SECTION 4. IC 3-13-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. Each precinct committeeman **and vice committeeman** in a caucus meeting held under this chapter



has one (1) vote. ~~☆ An appointed~~ committeeman ~~or vice~~
~~committeeman~~ may not vote if the committeeman ~~or vice~~
~~committeeman~~ was not a committeeman ~~at least or vice~~
~~committeeman~~ thirty (30) days before the vacancy occurred.

SECTION 5. IC 3-13-5-5 IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) ~~Subject to subsection (b);~~
 Voting by proxy is not allowed in a caucus meeting held under this
 chapter.

~~(b) A precinct committeeman may designate a precinct vice~~
~~committeeman who:~~

(1) is a member of the same political party that elected or selected
 the person who vacated the office to be filled;

(2) is the vice committeeman for the committeeman's precinct;
 and

(3) has been a vice committeeman continuously for a period
 beginning thirty (30) days before the date the vacancy occurred;
 as the committeeman's proxy in a caucus meeting. ~~A precinct~~
~~committeeman who is not eligible to participate in the caucus may~~
~~designate a precinct vice-committeeman who is eligible to participate~~
~~under this subsection as the representative of the precinct. To be~~
~~effective, the designation must be filed with the chairman of the caucus~~
~~meeting at least seventy-two (72) hours before the meeting. The~~
~~chairman of the caucus meeting shall read the list of the persons~~
~~eligible to vote under a proxy in the caucus meeting before any voting~~
~~occurs. A proxy may not be revoked after it is filed with the chairman~~
~~of the caucus meeting.~~

~~(c) (b)~~ If the vacancy to be filled under this chapter resulted from
 the death of a person holding a legislative office who also served as a
 precinct committeeman, the vice committeeman for that precinct is
 eligible to participate in the caucus.

~~(d) (c)~~ Voting shall be conducted by secret ballot, and
 IC 5-14-1.5-3(b) does not apply to this chapter.

SECTION 6. IC 3-13-11-5 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) To be
 eligible to be a member of a caucus under this chapter, a person must:

(1) be a member of the same political party that elected or
 selected the person who vacated the office to be filled;

(2) be the precinct committeeman ~~or vice committeeman~~ of a
 precinct in which voters were eligible to vote for the person who
 vacated the office to be filled at the last election conducted or
 permitted for the office; and

(3) if an appointed precinct committeeman ~~or vice~~



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committeeman, have been a precinct committeeman continuously for a period beginning or vice committeeman thirty (30) days before the date the vacancy occurred.

(b) However, if fewer than two (2) persons are eligible to be members of a caucus under this section, the county chairman entitled to give notice of a caucus under section 3 of this chapter shall fill the vacancy, no later than thirty (30) days after the vacancy occurs. A chairman acting under this subsection is not required to conduct a caucus.

(c) If the vacancy to be filled under this chapter resulted from the death of a person holding a local office who also served as a precinct committeeman, the vice committeeman for that precinct is eligible to participate in the caucus.

SECTION 7. IC 3-13-11-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) ~~Subject to subsection (b);~~ A member of a caucus under this chapter may not vote by proxy.

(b) A precinct committeeman may designate a precinct vice committeeman who:

(1) is a member of the same political party that elected or selected the person who vacated the office to be filled;

(2) is the vice committeeman for the committeeman's precinct; and

(3) has been a vice committeeman continuously for a period beginning thirty (30) days before the date the vacancy occurred; as the committeeman's proxy in a caucus meeting. A precinct committeeman who is not eligible to participate in the caucus may designate a precinct vice committeeman who is eligible to participate under this subsection as the representative of the precinct.

(c) To be effective, the designation must be filed with the chairman of the caucus meeting at least seventy-two (72) hours before the meeting. The chairman of the caucus meeting shall read the list of persons eligible to vote under a proxy in the caucus meeting before any voting occurs. A proxy may not be revoked after it is filed with the chairman of the caucus meeting.

SECTION 8. An emergency is declared for this act.



COMMITTEE REPORT

Mr. President: The Senate Committee on Elections, to which was referred Senate Bill No. 108, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 13, strike "(a)".

Page 2, strike lines 6 through 13.

Page 2, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 4. IC 3-13-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. Each precinct committeeman **and vice committeeman** in a caucus meeting held under this chapter has one (1) vote. ~~A~~ **An appointed committeeman or vice committeeman** may not vote if the committeeman **or vice committeeman** was not a committeeman ~~at least~~ **or vice committeeman** thirty (30) days before the vacancy occurred."

Page 3, line 33, delete "," and insert "**or vice committeeman**".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 108 as introduced.)

LANDSKE, Chairperson

Committee Vote: Yeas 8, Nays 0.

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SENATE MOTION

Mr. President: I move that Senator Alexa be added as coauthor of Senate Bill 108.

LAWSON C

SENATE MOTION

Mr. President: I move that Senate Bill 108 be amended to read as follows:

Page 4, line 2, after "beginning" insert "**or vice committeeman**".

(Reference is to SB 108 as printed January 27, 1999.)

LAWSON C

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